REPORT OF INVESTIGATION



File Number: 03-0108

Agency: Georgia Agrirama

Basis for Investigation: The State Inspector General's Office received an

allegation from Carolyn E. Hilliard by way of the

Office of the Governor.

Allegations: Hilliard alleged that the Executive Director Kim

Littleton asked state of Georgia employees to

address post cards supporting a political

candidate during their work hours.

Date Opened: May 16, 2003

Investigated By: Deputy Inspectors General Phil Walker and Bob

S. Terjesen

Date of Report: January 13, 2004

OFFICE OF THE INSPECTOR GENERAL

File Number: 03-0108

EXECUTIVE SUMMARY

The State Office of the Inspector General (OIG) received an allegation from Carolyn E. Hilliard by way of the Office of the Governor. Hilliard alleged that Executive Director Kim Littleton of the Georgia Agrirama Development Authority, Tifton, Georgia asked State of Georgia employees to address post cards supporting a political candidate during work hours.

The OIG conducted a preliminary investigation into the matter. The investigation revealed that on or about October 22, 2002; four employees at the Georgia Agrirama addressed post cards for State Representative Newt Hudson supporting his reelection, during work hours. During the investigation, it surfaced that in January 2003; at least three of the employees were encouraged to submit leave slips for the time spent during business hours addressing the cards.

Based on the information developed during OIG's preliminary investigation, Inspector General James E. Sehorn sent the matter to the Georgia Bureau of Investigation (GBI) for possible criminal investigation. The GBI investigated the matter and submitted their findings to the state Attorney General's Office (AG). The AG's office responded to the GBI by requesting they submit their findings to the State Ethics Commission.

Two recommendations are suggested based on the findings of our investigation.

- 1) Agencies within the Executive Branch of state government should establish training to ensure familiarity with state policies and Georgia law on political activities during state business hours.
- 2) The resignation of the subject of the complaint be accepted.



Report of Investigation

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OFFICE OF THE STATE INSPECTOR GENERAL

FILE 03-0108 GEORGIA AGRIRAMA ETHICS VIOLATION SUMMARY OF ACTIONS

- 1) <u>Basis for Investigation</u> The State Office of Inspector General (OIG) received allegations from Carolyn E. Hilliard via of the Office of the Governor. Hilliard, a former employee of the Georgia Agrirama Development Authority (GADA) in Tifton, Georgia, alleged that the Agrirama Executive Director Kim Littleton asked state of Georgia employees to address political postcards supporting the reelection of Representative Newt Hudson. During the OIG investigation, it surfaced that subsequent to the employees addressing the post cards, Littleton allegedly required those employees to submit a personal leave form for the work time used to address the post cards during works hours. (EXHIBIT 1)
- 2) <u>Narrative</u> On May16, 2003, OIG initiated a preliminary investigation into the above allegations.

OIG Investigation

Deputy Inspector General Robert S. Terjesen interviewed the following former and present employees of the GADA: Winette Fletcher, Carolyn Hilliard, Sherry Miley, Emily Joy Lott and Donna P. Perrin. The OIG did not interview Executive Director Kim Littleton during the preliminary investigation.

Winette Fletcher advised in her interview dated June 25, 2003, that she was employed as an Administrative Assistant by the GADA from July 3, 2000, until her termination on January 17, 2003. Fletcher advised that when she was employed at GADA she addressed postcards for the re-election of State Representative Newt Hudson to citizens in the local state district during work time. Fletcher said that she did not recall the exact date, but said it was approximately one week before the November 2002 election, adding that she remembered that it was during Halloween week. Fletcher recalled that the request came from Assistant Director Donna Perrin. Fletcher said that she, along with Perrin, Sherry Miley and Joy Lott addressed the postcards from 4:00 PM to 5:00PM on the date in question. Fletcher advised that her daily work hours are 8:30AM to 5:00PM. She added that when 5:00PM came, she handed the postcards to Perrin and left the

office. She estimated that she addressed approximately 100 postcards, as did the other three employees. Fletcher said that Perrin asked her to sign her (Fletcher) name to the outgoing postcards, but Fletcher said that she refused. Fletcher said that she was "asked" by Perrin to address the cards and did so despite her concerns about her job. Fletcher advised that she received no specific threats or promises regarding the postcard writing request. Fletcher maintains that even though the postcard writing request came from Perrin, the original request came from Littleton. **(EXHIBIT 2)**

Carolyn Hilliard provided the following information during her interview on June 25, 2003. Hilliard said that she was employed as an Education Coordinator at the GADA from October 1, 1999, until her termination on January 17, 2003. Hilliard stated that she is aware that four Agrirama employees were asked to complete postcards in October 2002, endorsing the re-election of Newt Hudson for State Representative. She maintains that the four persons were Winette Fletcher, Sherry Miley, Donna Perrin and Joy Lott. According to Hilliard, a few days after the postcards were completed, Winette Fletcher and Sherry Miley, together, told her that Kim Littleton asked the four state employees listed above to complete the postcards during work time in the office. Hilliard said that Fletcher and Miley told her that they were asked to sign their names to the postcards, but they did not want to sign their names. Hilliard advised that she believes the writing exercise occurred one week before the election and for one day. Hilliard said that she never saw the cards and does not know the content and who paid the postage. (EXHIBIT 3)

Sherry Miley, Marketing Director at the GADA, stated the following in her interview on June 27, 2003. Miley has been a state employee since March 17, 1999 and her work hours are 8:00AM to 5:00PM. Miley said that she is one of four employees who addressed postcards in support of a political candidate in October 2002. Miley did not recall the exact date, but remembered that it was one to two weeks prior to the general election. She recalled that the postcards were endorsements for then State Representative Newt Hudson who was running for re-election. Miley described the postcards as having a short message, something to the effect of "we encourage your support for Newt Hudson," but she added that she does not specifically recall the message and did not keep a copy of the postcard. She did not recall if the postcards had postage on them or who paid for the postage.

Miley said that the four persons who addressed the postcards were herself, Donna Perrin, Joy Lott and Winette Fletcher. According to Miley, about one or two weeks prior to the day they addressed the postcards, Miley, Perrin and Fletcher were called into Littleton's office and asked if they would help address the postcards and sign their names to the postcards endorsing Newt Hudson. Littleton told them they could refuse the request if they desired. Miley told Littleton that she was not certain who she was going to vote for and she'd have to think about it. Miley advised that Fletcher responded similarly. According to

Miley, nothing happened until the day they wrote the postcards. Miley said that late in the day, she was called into Donna Perrin's office along with Joy Lott and Winette Fletcher. Perrin told them that she just got off the telephone with Littleton and said, "We've got to get these postcards mailed out." Miley stated that they took the postcards and a sheet of names and addresses and began addressing them. Miley said that she did not know where the sheet of names and addresses came from and did not recall if she signed the postcards. Miley recalled that she addressed the postcards for about one-half hour, near the end of her work day. She gave the completed postcards to Donna Perrin and left the office.

Miley maintains that she did not hear of the matter again until sometime in January 2003. Miley said that former GADA employee Carolyn Hilliard wrote a complaint letter to Governor Sonny Perdue. Barbara McSwain, an Agrirama Board Member, provided a copy of the complaint letter to Littleton. Miley advised that Littleton was upset by the letter and indicated that she was going to respond in writing to the Board of Directors. In addition, Miley said that Littleton indicated that they should have taken annual leave to work on the postcards and then she, Lott and Perrin agreed to take leave. Miley said that she had no problem taking annual leave, but she did not think they should have back dated the leave slips as instructed. Miley advised that she did what she was instructed, but wrote on the back of her leave slip, the date she was instructed to complete the back dated leave slip. Miley said that no promises or threats were made to her in regards to the postcard incident by Littleton or anyone else. **(EXHIBIT 4)**

Emily Joy Lott said in her interview on June 27, 2003, that she began as a part-time employee at GADA in April 1995 and commenced full-time employment October 1995. She said that her daily work hours are from 8:00AM to 5:00PM.

Lott advised that she completed postcards about a week or two before the general election in November 2002. She said the postcards were endorsements for Newt Hudson, a State Representative seeking re-election. Lott said that shortly before closing time at about 4:45PM, Perrin asked her to help address some cards. She recalled the cards had been in Perrin's office for some time and that on the day they addressed the cards, "someone" had called to ask that they get the cards out. She estimated that she addressed from 30 to 35 cards and then had to leave to pick-up her grandchildren at day care. She recalled that she gave her completed cards to Perrin.

Lott advised that she worked on the cards for about 30 minutes or less and left. She did not recall if she signed the cards and did not look closely at the message on them.

Lott said that she heard nothing further about the matter until January 2003. At that time, Littleton had been given a copy of a letter to Governor Perdue, complaining that she had directed Agrirama employees to address postcards. Lott said that Littleton did not participate in the postcard writing project on the day

in question. However, Littleton advised those employees who addressed the postcards that they should have taken one-half hour of annual leave. Lott said that she recalled that she and the others who addressed the postcards back dated their leave slip to October 22, 2002.

Lott maintained that at no time were any threats or promises made regarding the postcard project. She added that there is a close working relationship among the people at Agrirama and that the cards were written in a collegial working environment without malicious intent. (**EXHIBIT 5**)

Donna Powell Perrin provided the following information in her interview on June 27, 2003. Perrin is the Comptroller/Assistant Director at GADA. She began her employment in April 1999. Her daily work hours are from 8:00AM to 5:00PM.

Perrin said that she is one of four Agrirama employees who addressed postcards in support of the re-election attempt of State Representative Newt Hudson in October 2002. She advised that the other employees were Joy Lott, Sherry Miley and Winette Fletcher. She recalled that they addressed the postcards about a week to ten days before the general election and that they worked on the postcards for about 30 minutes or less at the end of a work day, commencing at about 4:45PM. According to Perrin, their job was to address the postcards and they did not personally sign the postcards.

Perrin stated that about two to three weeks before the postcards were addressed a person known as Beth Lewis, who Perrin believes was/is affiliated in some way with the state Democratic Party, dropped off a stack of cards endorsing Newt Hudson. Lewis' request was to address the cards to local citizens in support of Hudson. According to Perrin, on the day when the postcards were addressed, Lewis called Perrin at her office between 4:00 and 4:30PM. Lewis asked the status of the cards and Perrin told her that they were not done. Perrin said that she called Littleton and asked her what she wanted done with the cards. Perrin said that Littleton asked her the time and Perrin recalled telling her that the time was 4:45PM and Littleton said, "Do what you can do." Perrin said that she took this as instructions to complete as many postcards as she could, given the hour of the day. Perrin advised that she called in employees Joy Lott, Winette Fletcher and Sherry Miley and asked them to help. Perrin said that they all helped without objection.

Perrin advised that after they worked on the postcards for a half hour or less, she gathered the completed cards and took them to Beth Lewis' home in Tifton, Georgia. Perrin advised that Lewis was not at home and left the postcards in the carport. Perrin said that she could not recall if postage was on the postcards, but GADA postage was not used.

Perrin said that she did not hear anything else about the matter until January 2003. At this time, Littleton informed her that two letters had been written by

former employees complaining, in part, about the postcard incident. Littleton told her that board member Barbara McSwain had provided a copy of the two letters to her. Perrin said that Littleton told her that she planned to respond to the complaints in writing via the Agrirama Board of Directors. Perrin maintains that this was done and the matter was briefly discussed at the quarterly meeting of the board in February 2003. Perrin said that it was her understanding that the Board decided it would pursue internal policy changes. She also stated that no sanction of Littleton occurred and the matter was not discussed at the quarterly meeting in May 2003.

Perrin admitted that she, Lott and Miley were directed in January 2003 by Littleton to take annual leave for the postcard writing exercise. She acknowledged that they back dated their leave slips.

Perrin stated that the issue of the propriety of addressing the postcards was never discussed among the participants. She maintains that the request came near the end of the day and they just sat down and did it. She said that no threats or promises were made in regards to the request, and Littleton has never instructed her how she should respond to questions about the incident. **(EXHIBIT 6)**

Based on the OIG preliminary investigation, Inspector General James E. Sehorn referred this matter to the Georgia Bureau of Investigation (GBI.) on July8, 2003, for a possible criminal investigation. The GBI conducted their investigation and provided the following information. (**EXHIBIT 7**)

GBI Investigation

During the GBI investigation, Special Agent S.B. Carson interviewed the following persons and obtained documentation including leave slips and time cards from the GADA: Donna Perrin, Sherry Miley, Joy Lott, Roger Dill, Carolyn Hilliard, Winette Fletcher and Kim Littleton. The leave slips show the period of time contemporaneous with the addressing of the cards. However, interviews conducted by the OIG and GBI reveal that the leave slips were completed in January 2003 and back dated at Littleton's request.

On July 29, 2003, Donna Perrin, Comptroller of GADA, provided the following information in response to questions asked.

Perrin advised Beth Lewis had contacted Kim Littleton, Executive Director of the Georgia Agrirama, regarding individuals living in Newt Hudson's district possibly addressing cards encouraging individuals to vote for Hudson. Littleton asked those individuals living in Hudson's district if they would mind addressing cards asking people to support Hudson. According to Perrin, Littleton advised employees that it was their decision and no one committed one way or the other.

Perrin said that Lewis dropped the cards off at the office. Littleton was not at the office so Perrin said that she placed them in Littleton's office. Perrin said the cards remained in Littleton's office until the day that Lewis contacted her inquiring as to the status of cards. Lewis advised that the cards needed to be completed because the election getting close. Perrin said that she told Lewis she would need to check and get back with her. Perrin advised that she contacted Littleton about what to do since none of the cards had been addressed. According to Perrin, Littleton asked what time it was and Perrin recalls it being around 4:30pm. Littleton then instructed Perrin to see how many cards she could get done in the next few minutes. Perrin advised that Sherry Miley, Joy Lott and Winette Fletcher helped her address the cards. Perrin estimated they completed approximately 100 cards. Perrin said that after completing the cards, either that afternoon or the next morning, she took them to Lewis' residence where she left them under the carport because no one was home. Perrin explained that the cards were in a bag along with a voter registration list. The voter registration list was used to address the cards.

Perrin stated that in January 2003, after two former employees had written letters concerning the cards, Littleton directed the employees who worked on the cards take the appropriate amount of leave. According to Perrin, each employee took 30 minutes of leave by filing out a leave slip. She added that at the time no one complained about addressing the cards and did not complain about taking time off when asked to do so. **(EXHIBIT 8)**

On July 29, 2003, Sherry Miley provided the following information in response to questions asked during the interview.

Miley advised that Kim Littleton, Director of the Georgia Agrirama, asked several employees who lived in Newt Hudson's district to assist in mailing out cards asking people to support Hudson. Littleton requested that each person addressing the cards sign them. Miley advised that she did not want to say "no", so she advised Littleton that she had not decided who she was going to support in the election. Miley advised that she could tell that Winette Fletcher, who was also asked about helping with the cards, did not know what to say either. Miley said that neither she nor Fletcher brought up the subject again until several weeks later.

According to Miley, Donna Perrin came into her office and told her that they had to get the cards mailed out. Miley recalled that Perrin divided the cards up between Fletcher, Perrin, Joy Lott and herself. Miley believes this occurred approximately two weeks before the election, but she does not recall the exact date they addressed the cards. Miley advised that she addressed cards for about 30 minutes, but recalls it was less than an hour. She said that she may have completed one voter's registration list that they used to address the cards. Miley said that the cards were not completed that day and she recalled that Perrin worked on the cards the following morning.

Miley said that nothing else was said about the matter until two letters of complaint were written to the Governor's office. Miley said that Joy Lott mentioned taking leave. Miley believes that is where Littleton got the idea for them to take 30 minutes of leave. It was also suggested that they maintain that the cards were done during their lunch break. Miley said that she did not voluntarily take 30 minutes of leave. Miley said that Perrin came into her office and told her that Littleton instructed everyone to fill out a leave sheet and take 30 minutes of leave. Miley said that she did not know what day to take the time and Joy Lott told her to take 30 minutes on October 22, 2002. Miley said that she did not support Newt Hudson and would not voluntarily take annual or compensatory time to help in Hudson's campaign.

Miley said that no one instructed them on what to say. However, Littleton told them to make sure they had all their facts right. **(EXHIBIT 9)**

On July 29, 2003, Joy Lott, Marketing Director of GADA, provided the following information in response to questions asked during the interview.

Lott said that she was not aware of cards supporting Newt Hudson at the Georgia Agrirama until an afternoon in October 2002. Lott advised that she was preparing to leave the office for the day to pick up her grandchildren when Donna Perrin asked her to come to Sherry Miley's office. Perrin asked her (others were present) to address cards supporting Newt Hudson. Lott said that she returned to her office and addressed about 30 to 40 cards using a voter's registration list of two to three pages which was supplied to her. She maintains that after she finished her cards, she took them to Miley's office and left for the day. Lott advised that Donna Perrin was in Miley's office working on the cards, and she was aware that Winette Fletcher also helped address the cards.

Lott said that she was told that Perrin delivered the cards to someone but did not know the person's name. Lott said that she was sure that the cards were addressed on October 22, 2002, because she had to pick up her grandchildren that day and other "things having to be done that month." Lott advised that after the first of the year, she learned that Winette Fletcher and Carolyn Hilliard, both former employees of the Agrirama, had filed a complaint. Lott recalled that Donna Perrin asked her to fill out a leave slip for the day the cards were addressed. Lott advised that she took 30 minutes of compensatory time for October 22, 2002. Lott maintained that she did not mind taking leave for that day in question.

Lott said that the cards were completed in October 2002 and the leave was not taken until January 2003. She explained that at the first of the year, she redid the time sheets documenting the leave earned and taken by Agrirama employees. Lott maintains that she did this because an auditor requested the information and it was easier to compile the leave information using the new form. The new form

shows the leave taken on October 22, 2002, in sequential order. Lott admitted that she did not record the date in January when the leave was posted.

Lott said that no one instructed her to alter documents or suggested to her how to record the time taken on October 22, 2002. **(EXHIBIT 10)**

On August 7, 2003, Roger Dill, Chairman for the Georgia Agrirama Board, provided the following information during an interview.

Dill advised that Barbara McSwain showed him the complaint letters and he discussed the letters with Kim Littleton. Dill said that he advised Littleton that she was "responsible for this," and stated, "Whatever occurs is based on your decision." Dill said that he learned that the Agrirama employees involved in addressing the cards endorsing Newt Hudson had taken annual leave. Dill said that he did not know if the Littleton instructed the employees to take leave or the employees did it on their own.

Dill maintains that a strict code of ethics had been put into place for all Agrirama employees to follow. (EXHIBIT 11)

On August 22, 2003, Carolyn Hilliard provided the following information.

Hilliard advised that Sherry Miley told her about the addressing of the cards for Newt Hudson. She said that she did not have personal knowledge and any information she had would be speculation.

Hilliard said that she knew that Sherry Miley and Winette Fletcher had worked on the cards for Newt Hudson. However, she advised that she did not know until it appeared in the newspaper that the employees had taken 30 minutes leave. **(EXHIBIT 12)**

On August 22, 2003, Winette Fletcher provided the following information.

Fletcher said that she first learned about the cards pertaining to Newt Hudson through Sherry Miley, a co-worker. Miley told her that Kim Littleton and Donna Perrin wanted some employees to address the cards and sign their name on the back of the cards endorsing Hudson. Fletcher said that she did not agree with this matter and did not plan to vote for Hudson in the first place.

Fletcher said that nothing else was said about the matter until one afternoon around 4:00 p.m. She could not recall the exact date, but remembered that Donna Perrin told her to stop doing what she was doing and help address cards endorsing Hudson. Fletcher believes that Perrin mentioned Littleton's name when she (Fletcher) asked about addressing the cards, but she could not be 100 percent sure. Fletcher maintains that she addressed the cards on "company time," spending about an hour addressing about 50 cards. Fletcher recalled that

at about 5:00p.m., she stopped addressing the cards and left work for the day. Fletcher said that Miley and Perrin, who were addressing the cards in Miley's office, were still working, as was Lott who was addressing the cards in her (Lott) office when Fletcher left for the day. Fletcher said that she did not have a choice but to work on the cards.

Fletcher said that the issue of leave was never discussed in her presence and no one instructed her to take time off for the time she spent working on the cards. Fletcher advised that she did not know how the cards were delivered to the Agrirama or by whom. Fletcher said that she did not recall having any discussions concerning the cards the day after the cards were addressed.

Fletcher said that, at some point, she and Miley had a conversation with Littleton regarding voting. According to Fletcher, Littleton encouraged her and Miley to vote a straight Democratic ticket because if the Republicans were voted in it would cause the Agrirama to "go out of business."

Fletcher said that the day before the Agrirama's Victorian Christmas, Miley told her that she needed to talk with Jay Roberts, because she (Fletcher) was going to lose her job. Fletcher said that she talked to Roberts and told him she believed that she was going to lose her job. Fletcher said that Roberts responded by asking her if it was because she voted Republican. Fletcher advised him that she did not know. Fletcher said that on January 17, 2003, Littleton called her into her office and told her that she was being fired due to budget cuts. **(EXHIBIT 13)**

During the GBI investigation, Kim Littleton provided information on five different occasions. She provided information on July 29, 2003, at 9:02a.m., July 29, 2003, at 10:35a.m., and August 7, 2003. On November 13, 2003, through her attorney Patty S. Veazey, Littleton provided a copy of her rebuttal letter directed to the Agrirama Board in rebuttal to the referring to the letters written to Governor Perdue by former Agrirama employees. She was also re-interviewed on August 22, 2003, to clarify information she provided to the GBI in previous interviews.

During the first interview on July 29, 2003, Littleton provided the following information.

Littleton advised that she was contacted in October 2002 by either Joe or Beth Lewis regarding addressing cards for Newt Hudson. Littleton said that she could not explain the reason they called her. Littleton said that she was not present at the office on October 7, 2002, when the cards were brought to her office and did not know who delivered them. She maintained that she was not aware that the cards endorsed Newt Hudson, until they arrived. Littleton admitted that Hudson had previously supported funding for the Agrirama. She estimates that there were about 500 cards and a voter's registration list.

Littleton advised that at some point after the cards were delivered, she discussed with Donna Perrin and Sherry Miley that they needed to be addressed. Littleton said that she asked Perrin and Miley, who lived in Hudson's district, if they were willing to help address the cards. Littleton recalled that Winette Fletcher was standing in the hallway when the conversation with Perrin and Miley took place. Littleton said that she did not recall further conversations taking place until October 22, 2002.

On October 22, 2002, Littleton said that she was in Atlanta, Georgia, for an Agrirama Board Member swearing in ceremony. She recalled that in the afternoon, she called her office and talked to Perrin. Perrin told her that someone had called and asked if the cards were ready. Littleton said that she told Perrin to see what she could do. Littleton advised that after she returned to her office, she learned from Perrin that Perrin, Miley, Lott and Fletcher had assisted in addressing the cards. Littleton said that she was told that the persons worked for 15 to 20 minutes and completed approximately 45 cards. Littleton advised that it was her understanding the cards were picked up by Joe Lewis.

Littleton said that about a month after the election, she had a discussion with Miley, Lott and Fletcher regarding the election. According to Littleton, they discussed the fact that the cards were addressed on state property during business hours. Littleton said that someone, she could not recall the person, suggested that they take annual leave for the time spent addressing the cards. Littleton maintained that she did not recall when the employees took the leave, but she recalled that each one took approximately 30 minutes of annual leave. Littleton said that she did not know why the leave was posted a month after it was taken. Littleton said that leave is approved by Perrin or herself and Lott is responsible for posting leave taken.

Littleton said that the employees were not forced to address the cards and that she did not ask the employees to take 30 minutes of annual leave. (EXHIBIT 14)

On July 29, 2003, Littleton said during a second interview that she wanted to clarify her earlier statement. She said that employees took compensatory time and not annual leave to address the cards. She admitted that the November 2002 election had been discussed several times in the office, but said that she did not know exactly when the employees decided to take the 30 minutes of leave time. Littleton again affirmed that she did not ask anyone to take leave, nor, did she call Donna Perrin and instruct her to advise the employees to take 30 minutes of leave for the time they addressed the cards supporting Newt Hudson. **(EXHIBIT 15)**

On August 7, 2003, Littleton provided the following information during an interview.

Littleton said that she learned about the complaint letters through Agrirama Board Member Barbara McSwain, who supplied her with a copy of the letters. She advised that since that time, the letters were brought to the board members attention. Littleton said that at the February 2003 board meeting, the Agrirama Board decided to establish a code of ethics and chose McSwain as the ethics officer. **(EXHIBIT 16)**

On November 13, 2003, Littleton's Attorney provided the GBI a copy of the February 2003 Agrirama Board minutes which contained Littleton's rebuttal to the complaint letters sent to Governor Perdue.

In item number three of the board minutes, Littleton advised the board that the cards were addressed by Agrirama employees on state time. She told them the cards supported a political candidate. She advised the board that she was not present, "but was knowledgeable of the two employees on leave addressing the postcards and one other employee (Winette Fletcher) who Littleton maintained was asked to address cards by one of the two on leave. Littleton told the board that, "I understand that I am responsible for the actions my employees are involved in during state time." (EXHIBIT 17)

On August 22, 2003, Littleton agreed to being interviewed to explain discrepancies in interviews conducted with present and former Agrirama employee and parts of her (Littleton) original statement. Roger Dill, Chairman of the Agrirama Board, was present during the interview.

Littleton said that she received a telephone call from Joe Lewis inquiring about her help with addressing cards encouraging people to vote at the next election. Littleton maintains that after receiving the cards she discovered that they endorsed Newt Hudson. Littleton denied that she discussed helping Hudson's campaign. Littleton admitted that she is aware that Lewis knew that Hudson previously rented space at the Georgia Agrirama for campaign purposes and the Agrirama personnel lived in Hudson's district. Littleton also explained that Hudson was instrumental in obtaining funding for a multi-purpose building at the Agrirama and that he used the building in a campaign advertisement. Littleton denied involvement in the campaign advertisement.

Littleton said that she was in Perrin's office talking to Perrin and Miley and mentioned to them that they could address the cards on their own time. Winette Fletcher was located in the hallway outside Perrin's office.

Littleton advised that she was not present when the cards were delivered and that they remained in her office for about two weeks. Littleton recalled on October 22, 2002, she was in Atlanta, Georgia for a swearing-in ceremony and received a telephone call from Perrin about 4:45p.m. According to Littleton, Perrin told her that Beth Lewis called inquiring about the cards, stating that she (Lewis) had to get them in the mail. Littleton advised that Perrin had already started to address

the cards, before she (Perrin) talked to her on the telephone. Littleton said that she was unable to recall if Perrin had begun addressing the cards before speaking to her on the telephone. Littleton denied giving anyone instructions to address the cards.

Littleton said that she returned to the office the following day and does not remember if the subject of addressing the cards was mentioned. Littleton did not recall if the cards were picked up or if they were dropped off somewhere. Littleton said that she did not recall when the issue of taking leave arose for those employees that addressed cards for Hudson. Littleton recalled that the leave was taken after the fact, but she does not remember if it occurred before or after the two letters of complaint. She denied giving employees a directive to take leave and does not recall telephoning Perrin and advising her the employees needed to take 30 minutes of leave. She remembered that she was in Perrin's office talking in general with Perrin, Miley and Joy Lott. Littleton advised that if anything was done in error, referring to what transpired the day the cards were addressed, it needed to be corrected.

Littleton said that the leave slips for the day in question had the initials KL on them. Littleton denied the initials were in her handwriting. She maintains that her (Littleton) initials were written by Perrin. Littleton explained that Perrin has her permission to place her initials on leave slips. Littleton added that employees took compensatory time not annual leave and in her opinion this makes a difference. Littleton reasoned that annual leave is a part of an employee's benefit package and compensatory time is time already worked by an employee. Littleton added that the employees involved often ate their lunch at their desk and do not take an hour lunch break.

During the interview, Littleton did not provide the interviewer with Agrirama's policy addressing employees eating at their desk, specifically during lunch. She also did not provide a policy or explain the method in which employees earn compensatory time. She did, however, state that the employees could have already worked an eight-hour day before they started addressing the cards. **(EXHIBIT 18)**

On November 25, 2003, GBI Director Vernon M. Keenan sent a letter to Deputy Attorney General Michael Hobbs advising that based on Hobbs' request, he would send a copy of the GBI investigation of GADA to the State Ethics Commission. **(EXHIBIT 19)**

3) <u>Conclusion</u> – OIG investigation substantiated the allegations that Kim Littleton required employees to address postcards for a political candidate in October 2002. The investigation further revealed that after Littleton was provided a copy of the complaint letters in January 2003, she instructed the involved GADA

employees to take leave and back date their leave slips to reflect the October 2002 time period.

While the investigation did not reveal a habitual problem, it did substantiate the allegation that employees were used for political activity on state time. O.C.G.A. §45-11-10 (a) provides the following:

"It shall be unlawful for any officer or employee of this state to coerce or attempt to coerce or command directly or indirectly any other state officer or employee to pay, lend, or contribute... anything...of value to any party, committee, organization, agency, or person for political purposes." A violation of this code is a misdemeanor.

In addition, O.C.G.A. §21-5-30.2(b) provides that:

"No agency and no person acting on behalf of an agency shall make, directly or indirectly any contribution to any campaign committee, political action committee, or political organization or to any candidate...."

Finally, Rule 478-1-03, Section 3.501 (H) of the Official Rule of the Georgia Merit System, State Personnel Board explicitly states that employees in the classified service shall not:

"Participate in any form of political activity while on duty or under color of office or position."

As an Agency Head, Executive Director Littleton was responsible for the supervision of employees and had a duty and obligation to know and understand the State's rules and regulations as stated above.

- 4) **Referrals** As outlined above, based on the OIG preliminary investigation, Inspector General James E. Sehorn referred this matter to the GBI.
- 5) Recommendations GADA and other agencies within the Executive Branch should establish training to ensure familiarity with state policies and Georgia law on political activities during state business hours. It is further recommended that the resignation submitted by Kim Littleton to Governor Sonny Perdue be accepted.

6) Exhibits

- Letter of Complaint dated January 20, 2003, sent to Governor Sonny Perdue by Carolyn E. Hilliard
- 2. Interview of Winette Fletcher on June 25, 2003
- 3. Interview of Carolyn Hilliard on June 25, 2003
- 4. Interview of Sherry Miley on June 27, 2003
- 5. Interview of Emily Joy Lott on June 27, 2003

- 6. Interview of Donna Powell Perrin on June 27, 2003
- 7. Letter referring the matter to the GBI by State Inspector General James E. Sehorn
- 8. Interview of Donna Perrin by the GBI on July 29, 2003
- 9. Interview of Sherry Miley by the GBI on July 29, 2003
- 10. Interview of Joy Lott by the GBI on July 29, 2003
- 11. Interview of Roger Dill by the GBI on August 7, 2003
- 12. Interview of Carolyn Hilliard by the GBI on August 22, 2003
- 13. Interview of Winette Fletcher by the GBI on August 22, 2003
- 14. Interview of Kim Littleton on July 29, 2003 by the GBI
- 15. Interview of Kim Littleton on July 29, 2003 by the GBI
- 16. Interview of Kim Littleton on August 7, 2003 by the GBI
- 17. Copy of Littleton's statement to Agrirama provided by Littleton's Attorney on November 13, 2003
- 18. Interview of Littleton on August 22, 2003 by the GBI
- 19. Letter to Michael Hobbs from Vernon M. Keenan dated November 25, 2003